

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

****E-Filed 6/24/2009****

GARY G. FRY(CASBN 85582)
DANIEL KALEBA (CASBN 223789)
Assistant United States Attorneys

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5061

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff)
)
v.)
)
DONALD RAY WILLIAMS,)
)
Defendant)

No. CR 08-00040 JF
ORDER APPROVING
**STIPULATED REQUEST TO SET POST
TRIAL STATUS HEARING**

Date: Wednesday July 8, 2009 [Pretrial]
Time: 9:00 a.m.
Court: Hon. Jeremy Fogel

COMES NOW THE UNITED STATES OF AMERICA, plaintiff herein, represented by Assistant United States Attorneys Gary G. Fry and Daniel R. Kaleba, and defendant Donald Ray Williams, represented by Susan Dondershine, Esq., and together request that this court set a status hearing in this matter for Wednesday July 8, 2009, at 9:00 a.m..

The court currently has set a briefing schedule and a hearing date for an anticipated motion for a new trial to be filed by the defendant. The defense motion is due July 22, 2009, the United States' opposition is due July 29, 2009, and the hearing is scheduled for August 12, 2009, at 10:00 a.m.

The parties are not stipulating to moving those dates. Rather, we are seeking a status conference in advance of those dates because we anticipate that the defendant may be back in the

District by July 8, 2009, having been evaluated to determine his current competency to be sentenced. Both parties wish to see the competency report¹ and determine how to proceed.

Susan Dondershine, Esq., called the undersigned today and asked me to stipulate to the setting of a status hearing on July 8, 2009. She advised me that she wanted to discuss how to proceed with the court. She did not seek, and I did not offer, to change the dates for the new trial motion. But we did agree to a status conference.

I told her I would draft the stipulation, and advise the court that we had talked and agreed to the setting of the status hearing. She agreed to that procedure.

Date: June 23, 2009

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/S/

GARY G. FRY
DANIEL KALEBA
Assistant United States Attorneys

IT IS SO ORDERED.

Dated: 6/24/2009


JEREMY FOGEL
United States District Judge

¹ Although neither side has seen the report, both sides have been orally told by the psychologist conducting the competency evaluation that in his opinion Mr. Williams is now competent to be sentenced.